



S/N 07/330,446

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
**BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Applicant:	Yoshimura et al.	Examiner:	D. Jacobson
Serial No.:	07/330,446	Group Art Unit:	1814
Filed:	03/30/89	Docket No.:	11613.12USII
Interference No.:	103,884	Administrative Patent Judge:	Michael Sofocleous

Title: HUMAN DERIVED MONOCYTE ATTRACTING PURIFIED PROTEIN PRODUCT USEFUL IN A METHOD OF TREATING INFECTION AND NEOPLASMA IN A HUMAN BODY, AND THE CLONING OF FULL LENGTH cDNA THEREOF

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited in the United States Postal Service, as first class mail, in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on JUNE 19, 1997.

By: Charles Carter

Name: CHARLES CARTER

**REVOCATION AND POWER OF ATTORNEY**

Dear Sir:

Please revoke any existing Powers of Attorney, if any, and appoint the following attorneys and/or patent agents to prosecute this application and to transact all business in the U.S. Patent and Trademark Office in connection therewith:

James C. Haight, 25,588; Gloria Richmond, 30,416; Robert Benson, 33,612; Jack Spiegel, 34,477; Susan S. Rucker, 35,762; David R. Sadowski, 32,808; Laurence J. Hyman, 35,551; Steve Ferguson, 38,448; John Peter Kim, 38,514; Stephen L. Finley, 36,357; and Larry M. Tiffany, 40,844.

all of the Office of Technology Transfer, National Institutes of Health, Rockville, Maryland, with an Associate Power of Attorney to:

Sarah B. Adriano, 34,470; John W. Albrecht, P-40,481; Brian H. Batzli, 32,960; Robert C. Beck, 28,184; Charles Berman, 29,249; Steven C. Bruess, 34,130; Karen S. Canady, 39,927; Charles G. Carter, 35,093; James R. Chiapetta, 39,634; Timothy R. Conrad, 30,164; Ronald A. Daignault, 25,968; Dennis R. Daley, 34,994; Julie R. Daulton, 36,414; Mark J. DiPietro, 28,707; Michael B. Farber, 32,612; MarySusan H. Gabilan, 38,729; Alan G. Gorman, 38,472; John J. Gresens, 33,112; Randall A. Hillson, 31,838; Mark A. Hollingsworth, 38,491;

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S/N 07/330,446

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**CERTIFICATION UNDER 37 C.F.R. § 3.73(b)**

THE UNITED STATES OF AMERICA as represented by the Department of Health and Human Services, certifies that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of:

An assignment from the inventors of Patent Application Serial No. 07/330,446. The assignment was recorded in the Patent and Trademark Office on May 19, 1989, at Reel 5072, Frames 0032-0034 (copy attached).

The undersigned has reviewed all the documents in the chain of title of the patent application identified above and, to the best of undersigned's knowledge and belief, title is in the assignee identified above.

The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

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S/N 07/330,446

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

THE UNITED STATES OF AMERICA as  
represented by the Department of Health and  
Human Services

Dated: 19 June 1997

By: Susan S. Rucker

Name: Susan S. Rucker

Title: Patent Advisor

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited in the United States Postal Service, as first class mail, in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on <u>JUNE 19, 1997</u>	
By: <u>[Signature]</u>	
Name: <u>CHARLES CHURCH</u>	



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
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Washington, D.C. 20231

1172-115

TO: GERALD M. MURPHY, JR.  
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FALLS CHURCH, VA 22046-0747

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF  
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NUMBER REFERENCED BELOW. A DIGEST OF THE DOCUMENT HAS ALSO BEEN MADE  
AND APPEARS IN THE OFFICE'S RECORDS AS SHOWN:

ASSIGNOR: 001 YOSHIMURA, TEIZO  
ASSIGNOR: 002 ROBINSON, ELIZABETH A.  
ASSIGNOR: 003 APPELLA, ETTORE  
ASSIGNOR: 004 LEONARD, EDWARD J.

DOC DATE: 05/05/89  
DOC DATE: 05/16/89  
DOC DATE: 05/15/89  
DOC DATE: 05/05/89

RECORDATION DATE: 05/19/89 NUMBER OF PAGES 003 REEL/FRAME 5072/0032

DIGEST: ASSIGNMENT OF ASSIGNORS INTEREST

ASSIGNEE: 501 UNITED STATES OF AMERICA, THE, AS REPRESENTED BY THE SECRETARY OF DEPARTMENT OF HEALTH AND HUMAN SERVICES

SERIAL NUMBER 7-330446 FILING DATE 03/30/89  
PATENT NUMBER ISSUE DATE 00/00/00

- TITLE OF INVENTION: HUMAN DERIVED MONOCYTE ATTRACTING PURIFIED PROTEIN  
PRODUCT USEFUL IN A METHOD OF TREATING INFECTION AND NEOPLASMS IN A HUMAN BODY, AND THE CLONING OF FULL LENGTH CDNA THEREOF

INVENTOR: 001 YOSHIMURA, TEIZO  
INVENTOR: 002 ROBINSON, ELIZABETH A.  
INVENTOR: 003 APPELLA, ETTORE  
INVENTOR: 004 LEONARD, EDWARD J.

1173-145P

A S S I G N M E N TSerial No. 07/330,446Filed: March 30, 1989

WHEREAS, we, Teizo Yoshimura, a citizen of <sup>Japan</sup> ~~the United States~~ TK  
of America, residing at 1467 West Key Pkwy., Frederick, Maryland,  
Elizabeth A. Robinson, a citizen of the United States of America,  
residing at 4401 W. Virginia Avenue, Bethesda, Maryland 20815,  
Ettore Appella, a citizen of the United States of America, residing  
at 4112 Aspen Street, Chevy Chase, Maryland and Edward J. Leonard,  
a citizen of the United States of America, residing at 3704  
Kenilworth Drive, Chevy Chase, Maryland 20815, have invented HUMAN  
DERIVED MONOCYTE ATTRACTING PURIFIED PROTEIN PRODUCT USEFUL IN A  
METHOD OF TREATING INFECTION AND NEOPLASMS IN A HUMAN BODY, AND THE  
CLONING OF FULL LENGTH cDNA THEREOF, for which we have made  
application to the Commissioner of Patents and Trademarks for grant  
of Letters Patent of the United States; and

WHEREAS, we are the joint applicants named in the above-identified application for Letters Patent; and

WHEREAS, the conditions under which said invention was made are such as to entitle the Government of the United States of America under Paragraph 1(a) of Executive Order 10096, to the entire right, title, and interest therein, including foreign rights; and

WHEREAS, as to foreign rights, it is the policy of the Government of the United States of America to obtain an option to exercise such rights;

NOW, THEREFORE, to all whom it may concern, be it known that for and in consideration of the premises and other valuable considerations, we the undersigned, have sold, assigned, and transferred and by these presents do sell, assign and transfer unto

THE GOVERNMENT OF THE UNITED STATES OF AMERICA as represented by the Secretary of the Department of Health and Human Services, and his successors (hereinafter THE GOVERNMENT), the entire right, title, and interest throughout the United States of America, its territories and dependencies, in and to the aforesaid invention described in the aforesaid application for Letters Patent of the United States, and all Letters Patents issuing thereon and any continuations, divisions, reissues or extensions thereof;

AND, we hereby authorize and request the Commissioner of Patents to issue said Letters Patent to THE GOVERNMENT as assignee of the entire right, title, and interest in and to the same throughout the United States of America, its territories and dependencies, for the sole use for the full term or terms for which said Letters Patent and any continuations, divisions, reissues or extensions thereof are, or may be, granted as fully and entirely as the same would have been held by us, had this assignment not been made;

AND, we do hereby grant unto THE GOVERNMENT, the option to take all of the right, title, and interest in said invention and all applications for Letters Patent thereon in all countries foreign to the United States in which THE GOVERNMENT elects to file applications for Letters Patent, including the right to file such applications under the provisions of the International Convention claiming priority in the aforesaid United States application, without payment to us of any further consideration, provided, however, that this grant of an option to take foreign rights in our invention, or applications for Letters Patent thereon, shall have force and effect only as to those foreign countries in which THE GOVERNMENT notifies us of its election to file foreign patents within six months of the filing date of any applications for United States Letters Patent covering the invention, and that all foreign rights not exercised under the option are left to us subject to a nonexclusive, irrevocable, royalty-free license to THE GOVERNMENT in any patent which may issue on said invention in any foreign country, including the power to sublicense for use in behalf of THE GOVERNMENT and/or in furtherance of the foreign policies of THE GOVERNMENT:

AND, we hereby warrant that there are no outstanding assignments, grants, liens, encumbrances, or agreements either written, oral, or implied with respect to the aforesaid application for Letters Patent which will impair, diminish, limit or abridge the interest herein conveyed at the time of the execution of this instrument by us;

AND, we hereby agree to execute any and all applications for Letters Patent, and to furnish all data and documents and to execute any papers which may be necessary for the preparation of filing of such domestic applications or for THE GOVERNMENT to exercise its option granted hereunder, including communicating to

THE GOVERNMENT, its representatives or agents, any facts relating to said invention, including evidence for interference purposes, or for other proceedings, whenever requested, to testify in any interference or other proceedings, whenever requested, and to execute and deliver on request all lawful papers required to make any of the foregoing provisions effective, and likewise make these provisions binding upon our heirs, legal representatives, administrators and assigns, except that it shall be understood that we shall not be subject to any out-of-pocket expense relative to any such action.

The undersigned hereby grants the law firm of Birch, Stewart, Kolasch and Birch the power to insert on this Assignment any further identification which may be necessary or desirable in order to comply with the rules of the U.S. Patent and Trademark Office for recordation of this document.

Teizo Yoshimura  
Teizo Yoshimura

5/5/89  
Date

Elizabeth A. Robinson  
Elizabeth A. Robinson

5-16-89  
Date

Ettore Appella  
Ettore Appella

5/15/89  
Date

Edward J. Leonard  
Edward J. Leonard

5/5/89  
Date

Witnesses:

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Donald J. Ziegler  
COMMISSIONER OF PATENTS  
AND TRADEMARKS OFFICE